2. OGC ABR13L
3. SDB Chrono

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16 November 1978

MEMO FOR FILE

SUBJECT : Pennent Bagley

1. Yesterday at about noon Mr. Bagley's attorney phoned OGC asking for the following:

a. The originsl copy of a memo said to be in Bagley's handwriting, concerning options for Nosenko's disposal. This was in the Hart testimony at line 4218 and the Helms testimony at line 4610.

b. The original and excised portion of a Bagkey memo referring to the purposes of a polygraph of Nosenko. This was at line 2981 of the Hart testimony and 2068 of the Helms testimony.

c. The original letter from Bagley re "devastating consequences," in the Hart testimony at line 3877.

d. Bagley's complete personnel file, including specifically:

(1) reference to Bagley's transfer from Headquarters in the 1966/67 period.

(2) Fitness Reports and comments for the 1962-72 period.

(3) Promotion recommendations for 1962-72 period.

(4) His IMM and the associated citation.

2. We asked the various parties to gather the items requested to see what was involved. The OPF was at Headquarters, having been bgought from WTC for the HSCA inquiry. The Honor and Merits Awards Board had the medal and citation (having been brought up for a file reciew). CI Staff had the documents cited in the Hart tesimony. We met yesterday afternoon to consider what is involved. Bagley wanted the material an appearance at HSCA this morning.

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3. CCS has a standing position on non-release of citations and awards to persons retired under cover (Bagley is retired in Belgium under State cover), so he would have to make a decision on that before he could have the material. He could not be given some of his personnel records, as they are classified, although he could be shown them as in a Privacy Act request; he is not now cleared for access to classified material, although his attorney is. CI Staff considers the materials not cited in the Hart testimony as classified; those portions authorized for use are unclassified only to the extent used by Hart; the exception is the entire handwritten list of options, which has been provided the Committee at its request, and he can see that when he appears before the Committee.

4. I tried to contact the DDA and DDO, reaching John McMahon. He agrees with this preliminary position. Mike Malanik phoned me back today, indicating that when the cover aspect is straightened out Bagley should be treated as anyone else. Dick Rininger of OGC, meanwhile, had advised Mr. Chabot, Bagley's attorney, that the cover consideration has to be resolved first. Bagley was there and Rininger also spoke to him, with Bagley indicating his intention to have his cover removed.

SDBreckinridge